

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, NOVEMBER 8, 2005

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 p.m. Present were Councilmembers Enrique Garcia, Steve Liedman, Jorge E. Mendia, Thomas Thornton, Patricia Weinman and Mayor Robert Oldakowski. Vice Mayor Robert L. Vernon was absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Ana Gloria Rivas-Vasquez led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Village Council, presented a proclamation to the Key Biscayne Community Foundation proclaiming the week of November 12-18, 2005 as Key Biscayne Community Foundation Week.

Mr. Timothy K. Blankenship with Coastal Systems Intl. Inc. gave an update on the condition of the beach.

5. **PUBLIC COMMENTS:** The following resident addressed the Council: Michele Estevez-Hayes, 800 Crandon Boulevard.

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6. **AGENDA:** Councilmember Weinman requested the addition of a discussion regarding skateboards as Item 10A3 and a report regarding down trees as Item 10D1. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the October 11, 2005 Regular Council Meeting and the minutes of the October 20, 2005 Proposed Land Development and Regulations Workshop. The motion was seconded by Councilmember Weinman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Thornton, Weinman and Mayor Oldakowski voting Yes. Councilmember Mendia was out of the chamber at the time the vote was taken.

8. **ORDINANCES:** The Clerk read the following ordinance on first reading:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA BY AMENDING CHAPTER 23 ARETIREMENT@ AT SECTION 23-35 ACONTRIBUTIONS@ TO SET THE EMPLOYEE CONTRIBUTION RATE AT 10.5%; PROVIDING THAT THIS ORDINANCE SHALL SUPERCEDE EMERGENCY ORDINANCE NO. 2005-15; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Liedman made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Garcia.

The Attorney addressed the Council regarding this ordinance.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes.

The Clerk announced the second reading for November 22, 2005.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING CHAPTER 17 ANOISE@ OF THE VILLAGE CODE TO ENHANCE REGULATIONS AND RESTRICTIONS ON NOISE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This hearing is continued from the October 11, 2005 Regular Council Meeting.

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Councilmember Liedman made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Thornton.

The Manager addressed the Council recommending deferral of this ordinance.

Councilmember Thornton made a motion to continued this hearing to the November 22, 2005 Zoning Meeting. The motion was seconded by Councilmember Weinman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes.

9. **RESOLUTIONS:** There were no resolutions considered by Council.

10. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Randolph G. White, Finance Director addressed the Council regarding the Village-s Five-Year forecast and debt cap.

At 7:10 p.m. Councilmember Liedman made a motion to table the remainder of the Regular Council Meeting Agenda. The motion was seconded by Councilmember Thornton and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes.

At this time the Council met as the Local Planning Agency.

At 7:21 p.m. Councilmember Liedman made a motion to take from the table the remainder of the Regular Council Meeting Agenda. The motion was seconded by Councilmember Mendia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes.

The Clerk read the following ordinance on first reading:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AMENDING CHAPTER 30 AZONING® OF THE CODE OF KEY BISCAVNE, FLORIDA BY AMENDING DEFINITIONS; AMENDING PERMITTED AND CONDITIONAL USES; AMENDING DEVELOPMENT REGULATIONS INCLUDING, BUT NOT LIMITED TO, HEIGHT, SETBACK AND FLOOR AREA RATIO REQUIREMENTS; AMENDING PERFORMANCE STANDARDS; AMENDING SUPPLEMENTAL REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES; AMENDING OFF-STREET PARKING REQUIREMENTS; AMENDING NON-RESIDENTIAL DISTRICT SIGN REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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The Manager, the Attorney and Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council regarding this ordinance.

Councilmember Thornton made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Garcia.

The Mayor opened the public hearing. The following persons addressed the Council: Willie Borroto, 241 Harbor Drive; Julie Alvarez, 150 Sunrise Drive; Maria Gralia with Shutts and Bowen, Miami representing the property owners at 180 and 580 Crandon Boulevard; Guillermo Fernandez, 361 Palmwood Lane; Ed London, 641 S. Mashta Drive; Ed Meyer, 100 Sunrise Drive; James Salas, 789 Crandon Boulevard and Doug Kinsley, 785 Crandon Boulevard. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes.

The Clerk announced the second reading for November 22, 2005.

At 8:35 p.m. the Council took a 5 minute recess. The meeting was reconvened at 8:40 p.m.

Councilmember Garcia made a motion to appoint Councilmember Liedman as Council liaison to the Police Officers and Firefighters= Pension Plan Board of Trustees. The motion was seconded by Councilmember Thornton and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton and Mayor Oldakowski voting Yes. Councilmember Weinman was out of the Chamber at the time the vote was taken.

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor=s seat.

The Mayor opened the floor for nominations.

Councilmember Mendia nominated Vice Mayor Vernon. The nomination was seconded by Councilmember Garcia.

The Mayor closed the floor for nominations.

A vote was taken on the nomination of Vice Mayor Vernon. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton and Mayor Oldakowski voting Yes.

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Councilmember Weinman was out of the Chamber at the time the vote was taken.

Pursuant to Ordinance 2001-14, Section 2 (a)(1) each Board member to the Art in Public Places Board shall be appointed to a term of two (2) years, more or less, commencing the first Tuesday after the first Monday of November of each odd-numbered year.

Mayor Oldakowski made a motion to re-appoint Veronica Scharf, Oscar de Armas, Rosa de la Cruz, Lourdes Joffre Collette, Conchita Sarnoff, Gloria Kahn and Dianne Moss to the Art in Public Places Board. The motion was seconded by Councilmember Mendia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman and Mayor Oldakowski voting Yes.

At this time Councilmember Weinman addressed the Council regarding skateboarding.

Village Manager. Councilmember Weinman addressed the Council regarding down trees due to Hurricane Wilma.

Armando Nunez, Public Works Director addressed the Council regarding the debris removal after Hurricane Wilma and down trees.

John C. Gilbert, Chief of Fire Rescue and the Manager addressed the Council regarding reviewing the procedures for the Village of Key Biscayne during emergencies.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
13. **ADJOURNMENT:** The meeting was adjourned at 9:25 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 22nd day of November, 2005:

November 8, 2005

Robert Oldakowski
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.